

**TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026**



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DECISION

APPLICANT:	Lovely Nails and Spa
PROJECT ADDRESS:	525 Providence Highway
PROPERTY OWNER:	Schiavo Enterprises LLC
CASE #:	VAR-04-12-1517
MAP/LOT:	108/97
ZONING DISTRICT:	Central Business
 DATE OF APPLICATION:	 April 19, 2012
DATE OF HEARING:	May 16, 2012
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jason L. Mammone, P.E.
 APPLICANT REPRESENTATIVE:	 Paul Waitze, Sign-A-Rama, 458 High Plain Street, Walpole, MA Jimmy Lincoln, Business Owner
PETITION:	Waiver from Town of Dedham Sign Code to be allowed to have an internally illuminated wall sign
SECTION OF SIGN CODE:	<i>Town of Dedham Sign Code Section 7c(5)</i>
 DATE OF FILING WITH TOWN CLERK:	 JUNE 7, 2012

The Town of Dedham, Massachusetts Zoning Board of Appeals (hereinafter, "ZBA") held Public Hearings on Wednesday, May 16, 2012, in the Selectmen's Chambers, Town Hall, 26 Bryant Street, Dedham, MA. Present were members of the Zoning Board of Appeals James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, and Jason L. The public hearings for this meeting of the ZBA were duly advertised on in the *Dedham Times* in accordance with the requirements of G.L.c. 40A, § 11. The ZBA meeting notice was duly posted in accordance with the provisions of G.L.c. 39, § 23A, as amended.

At 7:15 p.m. on Wednesday, May 16, 2012, the Chairman called for the hearing on the petition of Lovely Nails and Spa, 525 Providence Highway, Dedham, MA ("Applicant") to be allowed a waiver from the Town of Dedham Sign Code to install internally illuminated lighting with LED on the wall of 525 Providence Highway, Dedham, MA. The Applicant submitted the following materials to the Zoning Board of Appeals:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Letter of authorization from Robert Schiavo, Schiavo Enterprises, 31 Spellman Road, Westwood, MA
- Mortgage Inspection Plan prepared by Talmadge McNeely, Professional Land Surveyor, L.G. Brackett Company, Winchester, MA, dated March 11, 2005
- Legal description of property
- Development Plan prepared by Norwood Engineering Co., Inc., 1410 Route One, Norwood MA dated June 20, 2008
- Rendering of proposed signs

The one-and-one-third-page minutes from the hearing are incorporated herein by reference.

The Zoning Board of Appeals is authorized and empowered to grant relief or waivers from the provisions of the Dedham Sign Code pursuant to Section 11.c. of the Dedham Sign Code. This provision sets forth both procedural and substantive requirements for the grant of such waivers or relief. The Applicant indicates that it has satisfied these requirements.

The subject property is known and numbered as 525 Providence Highway, Dedham, MA and is shown on Dedham Assessors' Map 108, Lot 97. The Subject Property contains 21,317. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is occupied by three retail stores. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 2007.

Mr. Waitze stated that he went before the Design Review Advisory Board on April 4, 2012 and May 2, 2012. The Board reviewed the signs and gave unanimous approval, although the letter has not been received by the Zoning Board of Appeals because only three of the four members have approved its content for distribution. Mr. Lincoln informed the Board of the hours of operation for the business, which will be 9:30 a.m. to 8:30 p.m.

No one appeared before the Board to support or oppose the petition.

On a motion made by Scott M. Steeves and seconded by Jason L. Mammone, P.E., the Zoning Board of Appeals voted unanimously (5-0) to grant the requested waivers and relief from the provision of the Dedham Sign Code to allow LED internal illumination on a wall sign at 525 Providence Highway with the condition that the lights be turned off at 9:30 p.m. In granting the relief and waivers, the ZBA finds that (1) the Applicant has satisfied the procedural requirements set forth in the Dedham Sign Code, (2) the relief is recommended by the Design Review Advisory Board and that literal compliance with the provisions of the Sign Code is not practical or is unfeasible, and (3) the same may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Sign Code.

Dated: June 7, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

E. Patrick Maguire, LEED AP

Jason L. Mammone, P.E.